

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: **PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: RQR-20962 - APPLICANT: HYUNJA KANG - OWNER:  
WATKINS INVESTMENTS, LIMITED PARTNERSHIP

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. This Special Use Permit (SUP-11589) shall be reviewed in six months by the City Council at which time full compliance with both the conditions of approval and Title 19 shall be required. The applicant shall be responsible for notification costs of the review.
2. Conformance to the conditions of approval for Special Use Permit (SUP-11589).

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Required Six Month Review of an approved Special Use Permit (SUP-11589) that allowed a proposed Swap Meet at 4821 West Craig Road.

This is the first review of the subject business. The business is not in compliance with Title 19 and several conditions of approval from the original Special Use Permit (SUP-11589). The applicant did not obtain the proper permits for the installed signage. A Master Sign Plan is required as a condition of approval and has not been satisfied at this time. Additionally, there is a vendor that is dealing in used merchandise, which is in violation of condition number nine. It is recommended that this review be approved with an additional review required in six-months to verify compliance with requirements.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/21/90	The City Council approved a Rezoning (Z-0115-90) from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site as part of a larger request. The Planning Commission recommended approval.
05/19/93	The City Council approved a Special Use Permit (U-0321-91) to allow the sale of beer and wine and granted an appeal of a Board of Zoning Adjustment denial thereby allowing gasoline sales in conjunction with a convenience store on this site.
11/05/03	The City Council approved a request for a Special Use Permit (SUP-2911) for a proposed Financial Institution, Specified on property located at the southwest corner of Decatur Boulevard and Craig Road. The Planning Commission and staff recommended approval.
06/07/06 *	A Special Use Permit (SUP-11589) for a proposed Swap Meet and a companion Variance (VAR-11943) for parking requirements at this location were approved. The Planning Commission recommended approval. Staff recommended denial.
03/26/07	A site inspection was conducted and the site was found to be out of compliance with conditions of approval number 4, 9, 11, and 16 from Special Use Permit (SUP-11589). Code Enforcement noted the identical violations and informed the applicant. Conditions number 11 and 16 are still not satisfied. Condition number 4 has been addressed through this application. Condition number 9 requires further review.
<b><i>Related Building Permits/Business Licenses</i></b>	
06/27/06	A Business License (M06-02909) was issued for the proposed Swap Meet on the subject property.

<b><i>Pre-Application Meeting</i></b>
A pre-application meeting is not required, nor was one held.
<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting is not required, nor was one held.

<b><i>Details of Application Request</i></b>
<b><i>Site Area</i></b>
Net Acres      4.24

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single family Residential  Commercial	North Las Vegas	North Las Vegas
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (105-Foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the first review of the subject business. The swap meet is not in compliance with all of the conditions of approval of the original approval. Specifically conditions number 9, 11, and 16.

Condition nine stated that no used merchandise shall be sold on site. One of the 56 vendors at the site when it was inspected on 03/26/07 was found to be accepting used DVD's in trade for discounted new DVD's and in turn reselling the used DVD's from their booth. This would require a Special Use Permit for a Secondhand Dealer, which would be prohibited at this location due to the condition of approval. They have a business license for CD/DVD/Game Sales (Category V07). This category states: For businesses renting/selling video tapes/DVD or video

games 35% or more which are not adult oriented. This does not mention the sales of used merchandise.

Condition 11 states that the site must conform to the minimum requirements under Title 19.4.050 for Swap Meet use and the third requirement of that Code section is that the signage for the site be in conformance to Title 19.14. The signage for the site does not conform to Title 19.14 as the permanent sign that was installed on the building does not have the required permits.

Condition 16 states that the applicant shall bring a signage plan for the building to the Planning Commission for review and approval. At this time the applicant has not done this. A letter was sent to the applicant on 04/10/07 requesting that a pre-application meeting be scheduled as soon as possible for a Master Sign Plan application for the building. There were follow up phone conversations regarding this letter and the applicant is aware of their obligations. As of the end of business on 04/25/07 the applicant has not requested this pre-application meeting.

Due to the several issues on this site that are not in compliance with both Code requirements and the conditions of approval from the original application it is recommended that this review be approved with another review required in six-months time to ensure that all conditions of approval have been and continue to be met. Conditions of approval shall be added to this application to ensure compliance.

Conditions of approval from SUP-11589:

1. There shall be no new or used vehicle sales permitted on the premises or in the parking lot.
2. There shall be no exterior pay telephones.
3. There shall be a single point of contact for on-site maintenance. Furthermore, the phone number of the manager shall be made available to the City staff. At a change of ownership or management, the applicant shall inform the City of those changes within seven days.
4. There shall be a six-month review of this Special Use Permit by the City Council.
5. Delivery hours will be limited to 8 a.m. through 7 p.m., Monday through Friday.
6. There shall be no outdoor speakers or music allowed.
7. There shall be no outside sales of goods or vehicles.
8. Private security shall be provided for the building exterior 24 hours and building interior during all hours of operation.
9. No used merchandise shall be sold on-site.
10. There shall be an automatic review if the mall is in violation of the approved number of vendors.

11. Conformance to all Minimum Requirements under Title 19.04.050 for Swap Meet use.
12. Approval of and conformance to the Conditions of Approval for Variance (VAR-11943).
13. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
14. The hours of operation shall be limited to 10:00 a.m. to 7:00 p.m., closing on Tuesdays.
15. There shall be a maximum of 85 vendors permitted at this location. Any expansion of the number of vendors will require a Review of Condition.
16. The applicant shall bring a signage plan for the building to the Planning Commission for review and approval.
17. There shall be no vehicles used for deliveries, storage or advertising related to the proposed use parked on the site, other than for the immediate pick up or delivery of materials and goods.
18. The site shall be kept free of graffiti, trash, and any other unsightly materials.
19. All City Code requirements and design standards of all City departments must be satisfied.

## **FINDINGS**

The subject Swap Meet is not in compliance with the conditions of approval from Special Use Permit (SUP-11589), which approved the use at this location. Additionally, the site is not in compliance with Title 19. The continuation of the use at this location is deemed appropriate on the condition that the use be reviewed in six months for compliance with all conditions and Code requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** 183 by Planning Department

**APPROVALS** 0

**PROTESTS** 0